

REMARKS

This paper is in response to the Office Action June 9, 2010. As a restriction was issued in this case, the Applicants reserve the right to file a continuation application for the non-elected claims. Reconsideration is respectfully requested in light of the clarifying amendment and remarks. Please enter the amendments presented herein.

The Examiner is thanked for his careful review of the claims and for fully considering the arguments presented on March 12, 2010. As noted in the Office Action, the Applicant's arguments were persuasive, and the Section 103 rejections were withdrawn.

The Examiner, upon review of the amended claims, identified wording that requires clarification in light of the specification. Accordingly, the Examiner issued Claim Objections and an Objection to the specification under 37 CFR 1.75(d)(1) and MPEP 608.01(o). The undersigned has reviewed the paragraph cited by the Examiner on page 13 (para. 0039), and the undersigned agrees that the claims should be adjusted to have full support from the application as-filed. In light of the Examiner's observation, the undersigned has amended the claims to correct the confusion, which is clerical in nature. Independent claim 34 now makes the following correction:

"... logic for down sampling the decorrelated audio signal ~~, the down sampling reducing the even order derivative to less than or equal to a tenth derivative;~~

detection signal logic to generate a detection signal through application of an even ordered derivative that is less than or equal to a tenth derivative that is applied to the decorrelated and down sampled audio signal;..."

As evident from the corrected claims, the last amendment actually intended to clarify that the even order derivative is less than or equal to a tenth derivative, not that the down sampling reduces the even order derivative to less than or equal to the tenth derivative. As such, this amendment now overcomes the objection to the claims and corresponding specification. The Office is therefore respectfully requested to withdraw these objections.

New claims 45-47 were added to provide "computer readable media" claims that parallel the previously pending claims. New claim 45 includes the limitations of claim 34, so claim 45 is believed to be patentable for at least the same reasons claim 34 is believed to be patentable over the art cited in this application.

All items being addressed, the Examiner is earnestly requested to issue a Notice of Allowance.

If the Examiner has any questions concerning the present amendment, the Examiner is kindly requested to contact the undersigned at (408) 749-6903. If any other fees are due in connection with filing this amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No SONY034).

Respectfully submitted,
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